

**LEGAL NOTICE**  
**Notice of Proposed Amendment to Rules**  
**Public Hearing**

Notice is hereby given that the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH) will hold a public hearing to address proposed amendments to Hawaii Administrative Rules Title 12 Subtitle 7, Chapter 48 relating to Hoisting Machine Operators. The notice and public hearing are pursuant to Hawaii Occupational Safety and Health Law, Section 396-19, HRS and Chapter 91, HRS.

The purpose of the proposed rule amendments are to:

1. re-define hoisting machine operators who require hoisting machine operator certification issued by the director of labor to: operators of power-operated equipment covered by 29 CFR § 1926.1400, and meeting operator qualifications and certification requirements under 29 CFR § 1926.1427; and
2. add definitions for the following words or terms, “ASME B30.3,” “Certificate,” “Certified operator,” “Department,” “non-certified operator”; and amend all references of ASME B30.5, from ASME B30.5-2000 to ASME B30.5-2007; and
3. delete the provision that states that a hoisting machine operator certificate is not required for operator assistants, apprentices, oilers, assistants to engineers and trainees so long as they are under the direct supervision of a certified hoisting operator and they meet the training requirements of ASME B30.5, and delete the provision that states that a hoisting machine operator certificate is not required for persons performing maintenance or inspection work; and
4. add that an applicant for a hoisting machine certificate must have passed a physical examination that also meets the requirements of ASME B30.3, Section 3-3.1.2 (b); and
5. repeal the provision that makes available a special certificate for an applicant who cannot provide a current NCCCO certificate or an equivalent form of certification; and
6. add that a renewal hoisting machine operator certificate will be valid for the balance of the NCCCO certification or other equivalent certification approved by the board, but shall not exceed five years; and
7. add that in addition to a denial, suspension or revocation of a hoisting machine operator certificate, the director may deny the issuance or renewal of a certificate for various stated reasons, including a violation of 29 C.F.R. Part 1926 and ASME B30.3; and
8. add that a hoisting machine operator certificate can be denied, suspended or revoked for habitual intoxication, addiction to narcotics, or use of drugs or medications that could impair an operator’s ability to safely operate a hoisting machine; and
9. add that operation of a hoisting machine in violation of the chapter may result in revocation of hoisting machine operator certificate or suspension of a certificate; and
10. adding that any appeal of a denial, revocation or suspension of a hoisting machine operator certificate must be mailed, received and filed with the director within twenty calendar days; and
11. additional changes for clarification purposes.

Copies of the proposed amendments will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star-Advertiser and the Department of Labor website through the day the public hearing is held, from Monday – Friday, between the hours of 2:00 p.m. – 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813; 2264 Aupuni Street, Wailuku, Hawaii 96793; 75 Aupuni Street, Hilo, Hawaii 96720; and 3060 Eiwa Street, Lihue, Hawaii 96766. A copy of the proposed amendments and will be mailed to any interested person who requests a copy at the locations above-described, and pays a prepaid fee of five cents per page for the copy and postage. The proposed rules may also be viewed at <http://hiosh.hawaii.gov> or at <http://hawaii.gove/ltgov/office/adminrules>.

The public hearing will be held on:

June 20, 2012, at 1:30 p.m. at

HONOLULU, OAHU  
Keelikolani Building  
830 Punchbowl Street  
Room 427  
Honolulu, Hawaii 96813

The public hearing will be continued, if necessary, to the time, date and place announced at the scheduled hearing.

Interested persons may submit any data, views, arguments or arguments, orally or in writing, concerning the proposed amendments. All written submissions for the record must be submitted to Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813 and must be received at or prior to the scheduled public hearing .

Auxiliary aids and services are available upon request. Call the Administration and Technical Support Branch at (808) 586-086 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: 4-25-12

DWIGHT TAKAMINE  
Director  
Department of Labor and  
Industrial Relations